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October 14, 2003

OCT 14 2003

Marlene H Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

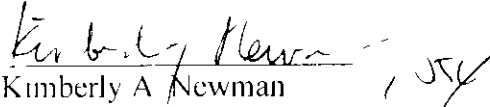
WRITER'S DIRECT DIAL
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Re: WC Docket No. 02-359

Dear Ms. Dortch:

Enclosed for filing in the above-captioned proceeding are an original and four copies of the Objections of Verizon Virginia Inc. to Cavalier's Witness and Exhibit Lists. In addition, we are enclosing eight copies for the arbitrator. Thank you.

Sincerely,


Kimberly A. Newman
of O'Melveny & Myers LLP

cc: Stephen T. Perkins
Martin W. Clift, Jr.
Richard U. Stubbs
Ms. Terri Natoli
Mr. Jeremy Miller
Mr. Brad Koerner
Mr. Marcus Maher
Mr. Richard Lerner
Mr. John Adams
Ms. Margaret Dailey

0412

**Before The
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

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OCT 14 2003

In the Matter of)
)
Petition of Cavalier Telephone, LLC)
Pursuant to Section 252(e)(5) of the)
Communications Act for Preemption)
of the Jurisdiction of the Virginia State)
Corporation Commission Regarding)
Interconnection Disputes with Verizon)
Virginia, Inc. and for Arbitration)

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

WC Docket No 02-359

**VERIZON VIRGINIA INC.'S OBJECTIONS TO CAVALIER'S WITNESS AND
EXHIBIT LISTS**

In accordance with the *Procedures Established for Arbitration of an Interconnection Agreement between Verizon and Cavalier*, WC Docket No. 02-359, Public Notice (rel. August 25, 2003), Verizon Virginia Inc (“Verizon”), submits the following objections to Cavalier’s “Witness and Exhibit Lists,” filed on October 10, 2003:

Issue	Cavalier Witness(es)	Objection	Page, line reference
C2 (network rearrangement)	Walter Cole (9/23/03 Direct Testimony)	No	
C2	Walter Cole (10/9/03 Rebuttal Testimony)	No.	
C2	Martin Clift (10/9/03 Rebuttal Testimony)	Yes. Improper rebuttal; testimony should have been filed as Direct Testimony.	2:20-22; 3:16-23 – 4: 1-6; 4 18-22 – 5 1-2, 5:6-11
C2	Martin Clift Exhibit MC 1-R	Yes. Document is incomplete; hearsay, witness not competent to lay a foundation for this document.	
C3 (meet point billing)	David Whitt (9/23/03 Direct Testimony)	No.	
C3	Martin Clift (Direct Testimony)	Yes. Although Cavalier designates Mr. Clift’s direct testimony as an exhibit on this issue, Mr. Clift’s direct testimony does not deal with issue C3.	
C3	Walter Cole (9/23/03 Direct Testimony)	No.	
C3	John Haraburda (9/23/03 Direct Testimony)	No.	
C3	David Whitt (10/9/03 Rebuttal Testimony)	No.	
C3	Martin Clift (Rebuttal	Yes. Although	

	Testimony)	Cavalier designates Mr. Clift's rebuttal testimony as an exhibit on this issue, Mr. Clift's rebuttal testimony does not deal with issue C3.	
C3	Walter Cole (Rebuttal Testimony)	Yes. Although Cavalier designates Mr. Cole's rebuttal testimony as an exhibit on this issue, Mr. Cole's rebuttal testimony does not deal with issue C3.	
C4 (third-party charges for tandem-transited calls)	Martin Clift (9/23/03 Direct Testimony)	No.	
C4	Martin Clift (10/9/03 Rebuttal Testimony)	No	
C4	David Whitt (10/9/03 Rebuttal Testimony)	No.	
C5 (interconnection with third parties)	Martin Clift (9/23/03 Direct Testimony)	No.	
C5	Martin Clift (10/9/03 Rebuttal Testimony)	No.	
C6 (E911)	Martin Clift (9/23/03 Direct Testimony)	No.	
C6	Martin Clift (10/9/03 Rebuttal Testimony)	No	
C9 (DSL prequel , loops/pricing)	F. Chad Edwards (9/23/03 Direct Testimony)	Yes. Hearsay; witness testifies about customer complaints that he concedes he is unable to verify.	1 22-23 – 2:1-4
C9	Amy Webb (9/23/03 Direct Testimony)	No.	
C9	James Vermeulen (9/23/03 Direct Testimony)	No.	
C9	F. Chad Edwards	Yes Hearsay;	1:10-14

	(10/9/03 Rebuttal Testimony)	witness testifies about customer complaints that he concedes he is unable to verify.	
C9	Amy Webb (10/9/03 Rebuttal Testimony)	Yes. Improper rebuttal; testimony should have been filed as Direct Testimony.	Exhibits AW-6, AW-7, AW-8, and AW-9
C9	James Vermeulen (10/9/03 Rebuttal Testimony)	No.	
C9	Kenneth Ko (10/9/03 Rebuttal Testimony)	Yes. Improper rebuttal; testimony should have been filed as Direct Testimony.	
C10 (dark fiber)	Matt Ashenden (9/23/03 Direct Testimony)	No.	
C10	Matt Ashenden (10/9/03 Rebuttal Testimony)	No.	
C12 (joint implementation team)	Amy Webb (9/23/03 Direct Testimony)	No.	
C12	Amy Webb (10/9/03 Rebuttal Testimony)	No.	
C14 (IDLC)	James Vermeulen (9/23/03 Direct Testimony)	No.	
C14	James Vermuelen (10/9/03 Rebuttal Testimony)	Yes. Exhibit includes the out of court statement of a BellSouth witness; exhibit is irrelevant to the facts at issue in this proceeding.	Exhibit JV-1
C16 (poles)	Matthew Ashenden (9/23/03 Direct Testimony)	Yes Testimony involves disputes/complaints with pole attachers other than Verizon.	7 18-22; 8.15-18, 8:21-23 – 9.1-12, 9:15-23 – 10.1-15, 11:13-17
C16	Matthew Ashenden (10/9/03 Rebuttal	Yes Improper rebuttal, testimony	5.20-23 – 6.1-12, 7:10-23 –

	Testimony)	should have been filed as Direct Testimony.	9.1-6; 9.9-23 – 12.1-15, 13 18-23 – 14 1-4, Exhibits MA-1; MA-2; MA-3, MA-4; MA-5; MA-6, MA-7, MA-8, MA-9, MA-10
C17 (customer contacts)	Mark Zitz (9/23/03 Direct Testimony)	Yes Hearsay; witness provides a vague description of 3 – 4 year old complaints without any substantiating detail.	1:22 – 2:1-2, 2.8-23 – 4 1-7
C18 (directory listings)	Todd Hilder (9/23/03 Direct Testimony)	Yes. Testimony is irrelevant to the Directory Listings issues to be decided in this arbitration	1:11-23 – 8:1-15, 9 20-23 – 10:1-3
C18	Martin Clift (9/23/03 Direct Testimony)	Yes. Testimony is irrelevant to the Directory Listings issues to be decided in this arbitration.	10:1-8, 10 21-23 – 12.1-3; 14:19-23 – 18:1-3; 19:20-23 – 20:1-9
C18	Todd Hilder (10/9/03 Rebuttal Testimony)	Yes. Testimony is irrelevant to the Directory Listings issues to be decided in this arbitration.	1.4-24 – 4:1-14
C18	Martin Clift (10/9/03 Rebuttal Testimony)	Yes. Testimony is irrelevant to the Directory Listings issues to be decided in this arbitration.	14 – 18 1-10
C21 (deposit, prepayments)	David Whitt (9/23/03 Direct Testimony)	No.	
C21	David Whitt (10/9/03 Rebuttal Testimony)	No.	
C24 (embargoes)	David Whitt (9/23/03 Direct Testimony)	No.	

C24	David Whitt (10/9/03 Rebuttal Testimony)	No.	
C25 (monetary damages)	David Whitt (9/23/03 Direct Testimony)	No.	
C25	David Whitt (10/9/03 Rebuttal Testimony)	No.	
C27	Lee Grant (10/9/03 Rebuttal Testimony)	No	
C27 (truck rolls, winbacks)	Martin Clift (9/23/03 Direct Testimony)	Yes. Contains irrelevant testimony about Verizon practices and procedures in states other than Virginia.	23:5-9
C27	Amy Webb (9/23/03 Direct Testimony)	Yes. Exhibit contains irrelevant information about Verizon practices and procedures in states other than Virginia.	Exhibit AW-5
C27	Jeff Ferrio (9/23/03 Direct Testimony)	No	
C27	Martin Clift (10/9/03 Rebuttal Testimony)	Yes. Hearsay; exhibits and related testimony are statements of AT&T and the Liberty Consulting Group which Verizon will not have the opportunity to cross-examine. Exhibits are also incomplete	20:15-21; Exhibits MC 3-R; MC-4R
C27	Amy Webb (10/9/03 Rebuttal Testimony)	No.	
C27	Jeff Ferrio (10/9/03 Rebuttal Testimony)	No.	

In addition, Verizon objects to Cavalier's blanket designation as exhibits all of the "materials" that Cavalier produced in discovery. First, Cavalier has not laid a foundation for any

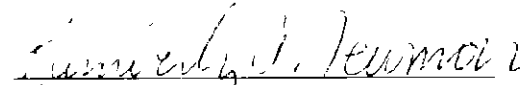
of these “materials ” Second, Verizon has not had an opportunity to review the documents that Cavalier should have produced on October 11, 2003, but did not begin to produce until the afternoon of October 13, 2003. Verizon reserves the right to assert other objections to these documents after it has had an opportunity to review them

Verizon further objects to Cavalier’s unqualified designation of all of its witnesses as “subject matter experts.”

DATED October 14, 2003.

Michael E. Glover
Of Counsel

Respectfully submitted,



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Pursuant to Section 252(c)(5) of the)	WC Docket No 02-359
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of the Jurisdiction of the Virginia State)	
Corporation Commission Regarding)	
Interconnection Disputes with Verizon)	
Virginia, Inc. and for Arbitration)	

CERTIFICATE OF SERVICE

I certify that on the 14th day of October, 2003, the Objections to Cavalier's Witness and Exhibit Lists of Verizon Virginia, Inc was served on the following parties:

Via Overnight Delivery and Electronic Mail:

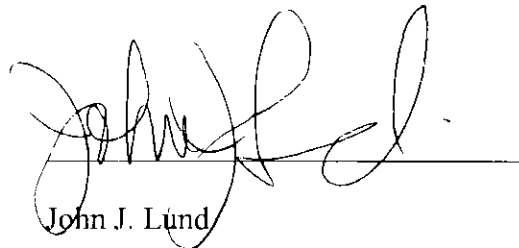
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